

and they prescribed expressly that there should be no interpretation contrary to that definition, by the Government of the United States, when it went into operation. And besides defining what should constitute the crime, they defined what should be the proof of it, so there should be no doubt about it.

The crime of treason was defined to be the levying war against the United States, or the giving aid and comfort to the enemies of the United States, using very nearly the terms of the statute of Edward the Third; and the decisions of the courts of England, under that statute of Edward the Third, have been accepted by the courts of the United States in their interpretation of that clause of the Constitution, the language of the two being similar, and the decisions of the English courts upon the subject being deserving of high credit.

Now, in the formation of the Federal Government, although the States did delegate to the government of the United States the power to punish treason against the United States, the States reserved to themselves the power to punish treason committed against themselves individually. And that was one of the great objections to the adoption of the Constitution of the United States urged by Luther Martin, in his account of the proceedings of the Convention of 1787, in the speech which he delivered before the Convention of Maryland, which was assembled for the purpose of deliberating whether they would adopt or reject the Constitution of the United States. He objected on account of the fact that there was given to the Government of the United States the power to punish treason against the United States, while it was reserved to the States to punish treason against the State, thus subjecting the citizen to two jurisdictions; and, therefore, the case might arrive, that act as he would, either for or against the United States, he would be liable to punishment as a traitor by the one or the other. Notwithstanding that, it was supposed at that time to be so remote in the contingencies of human events as not to call upon the Convention of Maryland at that time to refrain from adopting the Constitution of the United States, and it was adopted.

And the State of Maryland has never, from the time she became a sovereign State down to the present day, been without a statute to punish the crime of treason against the State of Maryland. But she never has, since the adoption of the Constitution of the United States in 1787, attempted to punish treason against the government of the United States; and any such attempt, if contemplated, would be a most unheard of anomaly. The Government of the United States, within the limits of its delegated powers, has full power and authority to execute its criminal law for offences against itself, without the aid of any

other jurisdiction. Its power extends over every citizen in every State, and it is clothed with the power of the army and of the navy, the whole power of the Government, to execute its processes, and to bring to punishment those who have violated its laws; and the State of Maryland claims and exercises within her territorial limits, and the limits of her reserved powers, the right to punish those who attempt by force of arms to subvert her State government, which is separate and distinct from, and independent of, the Government of the United States. It is this treason against the State government and the laws, which this Convention has the power, jurisdiction and authority to interfere with, to define the offence and to prescribe the punishment. But it would be most extraordinary for us here to undertake to say that those who are alleged to be in open rebellion against the power and authority of the United States, and therefore liable to punishment by having their property confiscated to the United States, shall also be liable to be punished by confiscation here.

Now, the two offences cannot be the same. Those who are guilty of treason against the United States must have levied war against the United States, or have given aid and comfort to its enemies, for the purpose of subverting the government of the United States; while those charged with treason against Maryland, or any other State, must have for their primary object the subversion of the State government. The Dorr rebellion in the State of Rhode Island furnishes us an illustration of treason against a State. An effort was there made, without the consent of any department of the State government, by those assuming to represent a majority of the people of the State, who on their own mere motion met together in a Convention, adopted a Constitution, elected a Governor, Lieutenant Governor, judicial officers, and all the other officers necessary to carry on a State government. The attempt was made to inaugurate that State government, without the consent of the State government then actually in existence, and which was recognized as the State government by the Government of the United States. Armies on both sides were raised, and arrayed against each other; the State government arrayed its forces, and the revolutionary government arrayed its forces, and blows were about to be struck. The State government finding itself unable to cope with the forces of the revolutionary government, without the aid of the Government of the United States, called upon the Government of the United States to aid them in suppressing insurrection in the State, under the provision of the Constitution of the United States relating to such cases. The aid of the Government of the United States was accorded, and the insurrection was suppressed, and Dorr was seized, charged, indicted, tried and pun-